

UNITED STATES DISTRICT COURT

for the

District of

Division

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U.S. DIST. COURT
DIST. OF MO.
KANSAS CITY, MO.

NORMAN D. WICKS JR

Plaintiff(s)

(Write the full name of each plaintiff who is filing this complaint. If the names of all the plaintiffs cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

CITY OF INDEPENDENCE MO

INDEPENDENCE MO. POLICE DEPT

Defendant(s)

(Write the full name of each defendant who is being sued. If the names of all the defendants cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names. Do not include addresses here.)

Case No.

4: 17-CV-01074-GAF

(to be filled in by the Clerk's Office)

Jury Trial: (check one)

☐ Yes

☒ No

COMPLAINT FOR VIOLATION OF CIVIL RIGHTS

(Non-Prisoner Complaint)

NOTICE

Federal Rules of Civil Procedure 5.2 addresses the privacy and security concerns resulting from public access to electronic court files. Under this rule, papers filed with the court should *not* contain: an individual's full social security number or full birth date; the full name of a person known to be a minor; or a complete financial account number. A filing may include *only*: the last four digits of a social security number; the year of an individual's birth; a minor's initials; and the last four digits of a financial account number.

Except as noted in this form, plaintiff need not send exhibits, affidavits, grievance or witness statements, or any other materials to the Clerk's Office with this complaint.

In order for your complaint to be filed, it must be accompanied by the filing fee or an application to proceed in forma pauperis.

I. The Parties to This Complaint**A. The Plaintiff(s)**

Provide the information below for each plaintiff named in the complaint. Attach additional pages if needed.

Name	NORMAN D. WICKS JR		
Address	PO BOX 423		
	<i>City</i>	<i>State</i>	<i>Zip Code</i>
County	INDEPENDENCE	MISSOURI	64051
Telephone Number			
E-Mail Address			

B. The Defendant(s)

Provide the information below for each defendant named in the complaint, whether the defendant is an individual, a government agency, an organization, or a corporation. For an individual defendant, include the person's job or title (if known) and check whether you are bringing this complaint against them in their individual capacity or official capacity, or both. Attach additional pages if needed.

Defendant No. 1

Name	CITY OF INDEPENDENCE MISSOURI		
Job or Title (if known)			
Address	111 E MAPLE AVE		
	INDEPENDENCE	MO	64051
	<i>City</i>	<i>State</i>	<i>Zip Code</i>
County	JACKSON COUNTY		
Telephone Number			
E-Mail Address (if known)			

☐ Individual capacity ☒ Official capacity

Defendant No. 2

Name	CITY OF INDEPENDENCE MO POLICE DEPT.		
Job or Title (if known)	111 MAPLE AVE		
Address			
	INDEPENDENCE	MO	64051
	<i>City</i>	<i>State</i>	<i>Zip Code</i>
County	JACKSON		
Telephone Number			
E-Mail Address (if known)			

☐ Individual capacity ☒ Official capacity

Defendant No. 3

Name

Job or Title (if known)

Address

City

State

Zip Code

County

Telephone Number

E-Mail Address (if known)

☐

Individual capacity

☐

Official capacity

Defendant No. 4

Name

Job or Title (if known)

Address

City

State

Zip Code

County

Telephone Number

E-Mail Address (if known)

☐

Individual capacity

☒

Official capacity

II. Basis for Jurisdiction

Under 42 U.S.C. § 1983, you may sue state or local officials for the “deprivation of any rights, privileges, or immunities secured by the Constitution and [federal laws].” Under *Bivens v. Six Unknown Named Agents of Federal Bureau of Narcotics*, 403 U.S. 388 (1971), you may sue federal officials for the violation of certain constitutional rights.

A. Are you bringing suit against (check all that apply):

☐

Federal officials (a *Bivens* claim)

☒

State or local officials (a § 1983 claim)

B. Section 1983 allows claims alleging the “deprivation of any rights, privileges, or immunities secured by the Constitution and [federal laws].” 42 U.S.C. § 1983. If you are suing under section 1983, what federal constitutional or statutory right(s) do you claim is/are being violated by state or local officials?

THE RIGHT TO BE SAFE AND SECURE IN YOUR SURROUNDINGS AND IN YOUR AFFECTS
THE RIGHT TO NOT BE UNLAWFULLY AND ILLEGALLY SRRESTED AND CAST IN JAIL UNDER
THE COLOR OF THE LAW



C. Plaintiffs suing under *Bivens* may only recover for the violation of certain constitutional rights. If you are suing under *Bivens*, what constitutional right(s) do you claim is/are being violated by federal officials?

UNDER AN PARKING ORDINANCE THAT IS NOT POSTED IN PUBLIC OR ON ANY STREET OR HIGHWAY THE POLICE CAME TO OUR VEHICLE GUNS DRAWN AND USED THIS UNPOSTED ORDINANCE TO DEMAND (AFTER THE FACT) THAT TWO DISABLED CITIZENS EXIT THIER VEHICLE ONLY AFTER ENTERING THE VEHICLE WITH ARMS TO TAKE A VIDEO CAMERA AWAY FROM PLAINTIFF. +

- D. Section 1983 allows defendants to be found liable only when they have acted "under color of any statute, ordinance, regulation, custom, or usage, of any State or Territory or the District of Columbia." 42 U.S.C. § 1983. If you are suing under section 1983, explain how each defendant acted under color of state or local law. If you are suing under *Bivens*, explain how each defendant acted under color of federal law. Attach additional pages if needed.

THE POLICE CLAIMED UNDER THE ORDINANCE THAT PLAINTIFF CAN BE ARRESTED WHEN THERE IS NO SUCH ORDINANCE AND CONTRARY THE ORDINANCE IF IT EXIST IS NOT ENFORCED ESPECIALLY IN THE DOWN TOWN INDEPENDENCE BUSINESS SECTION OF INDEPENDENCE MO. LEAVING CONFUSION. FOR THIS CITIZEN. PLAINTIFF WAS ARRESTED +

III. Statement of Claim

State as briefly as possible the facts of your case. Describe how each defendant was personally involved in the alleged wrongful action, along with the dates and locations of all relevant events. You may wish to include further details such as the names of other persons involved in the events giving rise to your claims. Do not cite any cases or statutes. If more than one claim is asserted, number each claim and write a short and plain statement of each claim in a separate paragraph. Attach additional pages if needed.

- A. Where did the events giving rise to your claim(s) occur?
THE EVENT GIVING RISE TO THIS CLAIM BY PLAINTIFF OCCURED ON THE STREET OUTSIDE THE CHURCH WHERE PLAINTIFF ATTENDS CHURCH WITH HIS FATHER ON SOUTH BOWEN AND LEXINGTON STREETS.

- B. What date and approximate time did the events giving rise to your claim(s) occur?

SEPT 13 2017 2:30

- C. What are the facts underlying your claim(s)? (For example: What happened to you? Who did what? Was anyone else involved? Who else saw what happened?)

IV. Injuries

If you sustained injuries related to the events alleged above, describe your injuries and state what medical treatment, if any, you required and did or did not receive.

V. Relief

State briefly what you want the court to do for you. Make no legal arguments. Do not cite any cases or statutes. If requesting money damages, include the amounts of any actual damages and/or punitive damages claimed for the acts alleged. Explain the basis for these claims.

Please REFER TO PAGES A-1 A-2

VI. Certification and Closing

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

A. For Parties Without an Attorney

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Date of signing: Dec 16 2017

Signature of Plaintiff

Printed Name of Plaintiff

Norman Wicks Jr

NORMAN D. WICKS JR

B. For Attorneys

Date of signing: _____

Signature of Attorney

Printed Name of Attorney

Bar Number

Name of Law Firm

Address

City

State

Zip Code

Telephone Number

816 548 0254

E-mail Address

NORMWICKS .NW @gmail .com

ON THIS DAY LIKE EVERY OTHER DAY I PARKED OUR VEHICLE ON 199 S BOWEN NEXT TO THE CHURCH ME AND MY FATHER ATTENDED ACROSS FROM IT. MY FATHER IS 73 SEVERLY DISABLED. HE CANNOT WALK AND IS CONFINED TO A WHEEL CHAIR. HE IS BEING TREATED FOR CRONIC PAIN. IT WAS IMPORTANT TO KEEP MY DAD OUT OF THE DIRECT SUN ON SEPT 13 2017. EVERY DAY I TOOK MY DAD TO THIS SAME LOCATION AND PUT OUR SEATS IN A RECLINIG POSITION. TO AWAIT THE SUN TO SHIFT TO ANOTHER TREE WHERE WE COULD ALSO REST OIT OF THE SUN. WE HAD JUST COME FROM CALIFORNIA AND DID NOT NOW THE CITY VERY WELL OR ANY SERVICES FOR THE HOMELESS WE WERE TOLD BY THYE CHURCHES IN THE AREA TO HANG OUT THERE BECAUSE ALL THE SERVICES WERE IN THAT AREA AND WOULD EVENTUALLY GET HELP FROM ONE OF THE AGENCIES IN THE AREA. WHICH CAME TO BE TRUE. WE ARE NOW LOCATED IN A MOTEL NOW FOR OVER A MONTH AND A CORPORATION IS PAYING ALL THE BILLS FOR OUR ROOM AND MEALS AND VETERNARIAN SERVIVES FOR MY DADS SERVICE ANIMAL A GOLDEN RETREIVER. WE WILL SOON MOVE INTO A HOUSE THAT IS BEING PREPARED FOR US BY OUR CORPORATE SPONSER ON JAN. 6 2018. ON THIS DAY AS WE RECLINED IN OUR SEATS MY FATHER HAD NOTICED A PATROLE CAR TURN THE CORNER AND SCRUTINIZE US. I ROSE UP AND BEGAN RETREIVING MY VIDEO CAMERA. I HAVE BEN VIDEOING POLICE WHO SHOW INTEREST IN US BECAUSE WE ARE HOMELESS AND THE POLICE LIKE TO HARASS AND ANNOYE THE HOMELESS EVEN THOES WHO ARE NOT INVOLVED IN DRUGS OR DRINKING OR CRIMINAL BEHAVIOR. WE SAW THE POLICE ONE ON EACH SIDE OF OUR VEHICLE IN CROUCHED POSITIONS , GUNS DRAWN SNEEKING UP TO OUR VEHICLE . WHEN THE POLICE SAW ME GO FOR MY VIDEO RECORDER I HEARD 'GET THE CAMERA'

WHEN THAT WAS SAID THE OFFICER ON THE DRIVERS SIDE RAN THE REST BOF THE WAY ABOUT 20 FT AND REACHED INTO MY WINDOW AND GRABBED THE BAG HOLDING THE CAMERA . THE STRAP WAS ALREADY AROUND MY WRIST AND AFTER A BRIEF STRUGGLE I HAD THE CAMERA IN MY HAND, THE OFFICER CONTINUED TO ATTEMPT TO WREST THE CAMERA FROM ME AS I TURNED IT ON TO RECORD. UP TO THIS POINT THERE WERE NO WORDS SPOKEN BY POLICE EXCEPT GET OUT OF THE VEHICLE. I HANDED THE CAMERA TO MY FATHER AND GRABBED MY CELL PHONE AND CALLED 911 . THE OFFICERS CONTINUED TO YELL GET OUT OF THE VEHICLE. THE OFFICER WHO MW3A AT THE DRIVERS SIDE , WHO I RECOGNISED FROM A PREVIOUS ENCOUNTER HAD HOLSTERED HIS SERVICE GUN AND NOW HAD A TAZER IN HIS HAND, I RECOGNISED THE YELLOW TIP OF THE TAZER WHICH IS UNLIKE HIS SERVICE GUN. AS HE HOLLERED GET OUT OF THE VEHICLE HE WAS ALSO UP AGAINST THE DRIVERS SIDE DOOR HOLDING MY WRIST , MAKING IT IMPOSIBLE TO EXIT THE DOOR. MY FATHER HAD A GUN POINTED AT HIS HEAD BY THE OTHER OFFICER WHO WAS ALSO HOLLERING AT MY DAD TO EXIT THE VEHICLE. AT THIS POINT NEIGHTER OFFICERS HAD STATED WHY THEY WERE THERE OR ANY MENTION OF ANY CRIME COMMITE OR ANY CRIME ACCUSED .

PLAINTIFF SUFFERS FROM PTSD AND IS DISABLED FROM
PANIC ATTACKS
STRESS ATTACKS
DISACOCIATIVE AMNESIA

THE OFFICER ON MY FATHERS SIDE OF THE VEHICLE I ALSO RECOGNISED AS AN OFFICER WHO ALSO WAS ON MY VIDEO RECORDER FROM PREVIOUS CONTACTS WHO STATED IF YOU MOVE I WILL SHOOT YOU. MY FATHER HAD STATED THAT WE ARE NOT ACCUSED OF A CRIME OR ANY OTHER THING WHY ARE YOU DOING THIS. AT THIS THE OFFICER ACCUSED MY DAD SAYING WHERE DID YOU GET THIS CAR DID YOU STEAL IT? MY DAD ASKED IS THAT WHY YOU ARE HERE ? THE OFFICER REPLIED NO. AND STATED THAT HE HAD RECEIVED A CALL SAYING YOU WERE ASLEEP IN YOUR VEHICLE. MY DAD STATED THAT IS NOT A CRIME. DURING THIS ENCOUNTER I HAD DIALLED 911 TO SUMMON A COMMAND OFFICER WHO DID SHOW UP. AT THIS POINT MY DAD TOLD THE OFFICER ON HIS SIDE OF THE VEHICLE THE CAR WAS DONATED TO US BY A CHURCH MEMBER AND WE HAD THE TITLE IN THE GLOVE BOX WHERE IN MY FATHER PRODUCED THE TITLE AMID SHOUTS OF IF YOU MOVE ILL SHOOT YOU. MY DAD STATED IF YOU WANT TO KILL ME SO BE IT. THE COMMAND OFFICER AND OTHER OFFICERS APPEARED WITHIN SECONDS OF MY CALL . IT SEEMED THEY WERE JUST OUT OF SIGHT . THERE WAS A CONFRONTATION WITH THE TWO OFFICERS AND THE SGT. WHO THEN BEGAN WRITING A TICKET I DID NOT SEE THE TICKET UNTIL I POSTED BAIL WITH THE HELP OF A CHURCH MEMBER AND WAS OUT . THE TICKET READ THAT IT WAS FOR PARKING WITHIN 20 FT OF A CORNER. IT ALSO STATED I WAS OPERATING THE VEHICLE WITH THE BOX FOR THAT BEING WITH A CHECK MARK TO IT . THE OFFICER ON MY SIDE OF THE VEHICLE WAS ASKING THE SGT IF HE COULD ARREST BOTH ME AND MY FATHER AND WAS TOLD NO. HE ALSO WANTED TO TOW THE VEHICLE AND PLACE THE SERVICE DOG FOR MY FATHER IN THE DOG POUND. HE THEN REQUESTED TO SEARCH MY CAMERA BAG WHICH HE HAD THROWN TO THE GROUND AND WAS TOLD NO , YOU CAN LOOK INSIDE BUT YOU CANNOT DISTURB THE CONTENTS. I WAS THEN ARRESTED AND TAKEN TO JAIL . I WAS TOLD IT WAS FOR INTERFERING . BOTH ME AND MY FATHER ARE DISABLED AND HAD SPENT A LOT OF TIME IN CALIFORNIA IN OUR MOTEL HOME DRIVING THE COAST ENJOYING OUR LIVES AND IN THE COURSE OF DOING SO WE HAD HAD APPROXIMATELY 300 CONTACTS WITH POLICE FOR PARKING EVEN THOUGH WE HAD A BLUE WHEELCHAIR PLACARD IN OUR WINDOW AND WE PARKED IN LEGAL PARKING LOCATIONS , WHICH DID NOT SEEM TO MATTER BECAUSE THE POLICE DID NOT OBSERVE THE LEGALITY OF OUR PARKING PRIVILEGE AS DISABLED PERSONS . WE HAVE 200 CONTACTS WITH POLICE WHILE PARKING LEGALLY . THAT IS WHY THE VIDEO CAMERA TO DOCUMENT WHAT WAS HAPPENING TO US. IN HALF OF THOSE CASES HAD WE NOT HAD THE CAMERA WE HAD THE POSSIBILITY OF BEING SHOT FOR DEMANDING THE POLICE OBSERVE THE PARKING RIGHTS OF THE DISABLED. IN SOME CASES THE POLICE THREATENED TO BREAK OPEN THE DOOR AND DRAG US OUT EVEN AS WE STATED THE VEHICLE WAS NOT BEING OPERATED ON A HIGHWAY WAS PARKED LEGALLY AND THE BODY JACKS WERE DOWN AND THERE WERE NO CRIMES ALLEGED NOR ANY IN PROGRESS. WE FELT THAT THERE WAS SOME OTHER MOTIVE FOR THE POLICE COMING AND DEMANDING WE EXIT THE VEHICLE AFTER THE FACT. IT SEEMED TO US THAT THE POLICE FAKING THEY WERE CONCERNED ABOUT OUR WELFARE DID NOT HANDLE THEIR CONCERN IN A PROPER AND LEGAL MANNER IF THEY WERE INDEED CONCERNED THE PROPER ROUTE WAS TO COME AND ENQUIRE IF WE WERE OK OR NEEDED ASSISTANCE. IT SEEMS UNREAL THAT TWO PERSONS NOT ACCUSED OF CRIMINAL ACTIVITY IN PROGRESS OR HAD HAPPENED PRIOR COULD BE TREATED THIS WAY.